

**MAYOR'S
EXECUTIVE ORDER
No: 87-20**

**Temporary Response to COVID-19 Public
Health Emergency**

**Revised: October 1, 2020
July 27, 2020
June 15, 2020
May 13, 2020
April 10, 2020**

Original: March 16, 2020

Expires : December 31, 2020

POLICY

The City of Birmingham must continue to provide City services to its citizens while responsibly responding to the COVID-19 situation within its workforce. The City will do this by providing appropriate policies and procedures.

This revised Executive Order will be effective on October 1, 2020, and will remain in effect until December 31, 2020, unless otherwise revoked or extended. This Executive Order is also subject to federal and state guidelines.

A. Definitions

Coronavirus: Coronaviruses are a large group of viruses that cause diseases in animals and humans. In humans, the viruses can cause mild respiratory infections, like the common cold, but can lead to serious illnesses, like pneumonia.

COVID-19: Coronavirus Disease 19 is officially referred to as COVID-19. It is the condition caused by the coronavirus and appears to present flu-like symptoms such as fever, cough and/or difficulty breathing.

COVID-19 related absence: Any absence from the workplace necessitated by COVID-19 including but not limited to: employee's own health condition, health condition of a family or household member, school closure required by COVID-19, or employees who are asymptomatic but have been exposed to a confirmed case of COVID-19.

Essential City Services: Essential City services include most employees within the departments of Birmingham Fire & Rescue, Birmingham Police Department, Communications, Equipment Management, IMS, Municipal Court, PEP, and Public Works. Other employees, including but not limited to payroll personnel, cashiers and print shop employees in the Department of Finance and business systems analysts, benefits advisors, and risk management in the Department of Human

Resources may be declared essential. Any other employee may be designated as providing essential City services by the chief of staff or the chief of operations. Employees who provide on-call services may also be designated as essential.

Essential Travel: Travel that is necessary to perform City functions that have been approved by the mayor and /or a department head.

Symptoms: Flu-like symptoms, fever (100.4° F or greater using an oral thermometer), cough and/or shortness of breath. CDC guidance: <https://www.cdc.gov/coronavirus/2019-ncov/about/symptoms.html>

B. Responsibilities

1) Employee Responsibilities:

- a) When an employee reports to work, the employee is self-certifying that the employee exhibits no signs or symptoms of COVID-19, including but not limited to:
 - i) Fever of 100.4 degree or higher
 - ii) Cough
 - iii) Shortness of breath or difficulty breathing
 - iv) Chills
 - v) Muscle pain
 - vi) Sore throat
 - vii) New loss of taste or smell
- b) If an employee is at work and begins to show any of the above signs or symptoms of COVID-19, the employee must report this to the employee's supervisor. The supervisor will then notify the department director who will notify Human Resources.
- c) While at work, employees must follow the City's Face Covering Protocol, which was adopted May 1, 2020. A copy of that protocol can be found at <https://www.birminghamal.gov/wp-content/uploads/2020/04/Bhams-Face-Covering-Policy-4-28-20.pdf> This protocol will remain in place until further notice. If there are health concerns, rigorous duties or other concerns regarding wearing face masks, the employee should contact Human Resources for guidance. **Employees who disregard the City's facial covering requirement, and other required COVID-19 safety protocols, will be subject to disciplinary action.**
- d) By reporting to work, the employee agrees to allow the City to take the employee's temperature and agrees to respond to questions about symptoms relating to COVID-19.
- e) Employees must notify their supervisor and Human Resources immediately by calling OHS at 205-254-6471 or sending an email to OHS@birminghamal.gov if the employee tests positive for COVID-19 or is subject to an order of quarantine from any local, state or federal

agency.

- f) If a member of the employee's household tests positive for COVID-19 or is subject to an order of quarantine from any local, state or federal agency, employees must notify Human Resources immediately by calling OHS at 205-254-6471 or sending an email to covid19@birminghamhal.gov.
- g) Employees are also responsible to follow all protocol established by the City relating to the use of City facilities such as elevators, break areas, or the Basement Café.
- h) Employees should protect themselves, their family and their community by washing their hands often with water and soap, using hand sanitizer, covering their cough or sneezes, and throwing away used tissues immediately after use.
- i) Employees should keep their work area clean, including work surfaces, phones, keyboards and door knobs.
- j) Employees must notify their supervisor if they will be staying home due to sickness. Such a notice is in accordance with the department's call-in procedure.

2) Supervisors:

- a) Code COVID-19 related absences as sick leave in Stromberg and include a comment stating this is a "COVID-19 related absence." Designated pay codes have been implemented to use for COVID-19 purposes. Please use the appropriate leave code approved by Human Resources or contact HR for guidance.
- b) Immediately notify the department director if any employee reports of potential exposure, out-of-state travel, or confirmed diagnoses of COVID-19. **Supervisors may not require an employee to leave the work site because of perceived concerns relating to COVID-19 without the approval of the department director and Human Resources.**

- 3) **Human Resources Department:** Assess and respond to any employee reports of COVID-19 exposure risks and provide the necessary guidance to impacted employees.

C. COVID-19 Leave Benefits

- 1) The following employees are not entitled to benefits under the City's Emergency Paid Sick Leave and Expanded FMLA Leave Policy adopted April 1, 2020:

Law Enforcement, Public Safety, First Responders and Municipal Courts

- a) Emergency management employees

- b) Fire, including EMTs
- c) Police
- d) Jail employees
- e) Court employees
- f) 911 and 311 call center employees
- g) Hazardous material responders
- h) Frontline employees providing support to law enforcement, public safety, and first responders
- i) Managers providing support to law enforcement, public safety, and first responders

Public Works

- a) Workers who provide support for the operation, inspection and maintenance of essential facilities and operations including bridges, roads, real property, parks, sidewalks and other critical operations
- b) Fleet maintenance personnel
- c) Traffic signal maintenance personnel
- d) Workers such as plumbers, electricians and other service providers who are necessary to maintain the safety, sanitation and essential operations of residences
- e) Workers who support road and line clearing to ensure the availability of needed facilities, transportation and communications
- f) Workers who support to ensure the effective removal, storage and disposal of residential and commercial solid and hazardous waste
- g) Frontline employees who support public works employees and operations
- h) Managers who support public works employees and operations

Other Community-Based Government Operations and Essential Functions

- a) Employees, such as building maintenance workers, laborers and security to maintain building functions and the security of City facilities
- b) Employees who support the operations necessary to maintain other community critical functions, such as permits, licensing and inspections

2) *Eligibility:* Employees listed above will be considered emergency responders and will be eligible to apply for COVID-19 paid leave benefits under this policy. All other employees not listed in those specific categories of employment may refer to the leave benefits provided by the Families First Coronavirus Response Act as set out in the **City of Birmingham Emergency Paid Sick Leave and Expanded FMLA Leave** policy, effective April 1, 2020.

3) Employees listed above may qualify for up to ten (10) working days or eighty (80) hours of paid leave for forty (40) hours personnel, for the following purposes:

- a) The employee has been advised by a health care provider to self-quarantine due to COVID-19 illness.

- b) The employee is experiencing symptoms of COVID-19, has sought testing at a facility approved by Human Resources, and awaiting a medical diagnosis.

4) Fire Department personnel who work 24-hour shifts will be granted up to one hundred twenty (120) hours of paid leave, for the period of time that self-quarantine is required under the provision above.

5) Employees will be required to provide medical documentation in support of a request for COVID-19 leave benefits in accordance with the City's Family and Medical Leave Policy by contacting Human Resources. All leave usage related to COVID-19 will be job-protected under FMLA.

6) COVID-19 paid leave benefits will only be available for eligible employees through December 31, 2020.

7) Eligible employees should contact the City of Birmingham HR Department to request leave under the provisions herein.

- a) ***Employees who request leave due to COVID-19 related symptoms*** must 1) contact their immediate supervisor in a timely fashion, according to call-in procedures 2) immediately secure a testing appointment at an approved facility, 3) submit request for Emergency Leave and 4) send your results to covid19@birminghamal.gov on the day they are received. If the results are positive, the employee will be contacted by OHS for tracking and tracing.

(1) COB Emergency Leave is available to cover time from the date of testing until the date the negative test results are issued by the testing facility as documented. The employee must use their accrued sick leave for any time off outside of that period. If the results are positive, the employee may continue use of emergency leave up to 80 hours.

(2) If the employee is seeking emergency leave because the employee resides with a COVID positive individual, the employee will be required to produce the positive individual's quarantine order and/or substantiating medical documentation that demonstrates the employee shares a household with a COVID positive individual. Failure to provide substantiating documentation may result in leave denial and the employee will be required to use personal leave for the duration of the quarantine.

- b) ***Return to Work:*** Employees who test positive for COVID-19 must remain off of work in accordance with the guidelines of their healthcare provider and/or as required by a quarantine order issued by public health officials. Before being cleared to return to work, the employee will be required to produce a negative test result, and certification that at least ten (10) days have passed since symptom onset and three (3) days without fever (without fever reducing medication). The employee is expected to maintain regular communication with OHS and their immediate supervisor regarding their return to work status. Failure to maintain communication with OHS and management may deem the employee's absence excessive and unauthorized leave, and may result in disciplinary action up to and including termination.

D. Protocol for Confirmed Positive Employees

The City of Birmingham's tracking and tracing practice consists of identifying those employees who were within 6 feet of an infected employee for a continuous period of 15 minutes or more from the period of up to 48 hours prior to the date the infected employee began experiencing symptoms. Based on the information obtained during the employee contact tracing process, Human Resources will make direct contact with any employees who are identified as having been exposed. Privacy considerations prohibit the disclosure of the names of affected employees. For confirmed positive employees, Human Resources will initiate its tracking and tracing protocol, which will include the following:

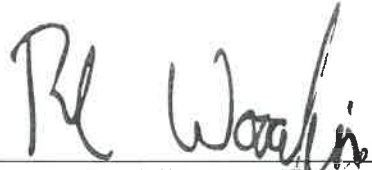
- 1) Immediate screening interview with the affected employee to confirm diagnosis, onset of symptoms, and date of exposure
- 2) Identification of last reporting date to workplace to determine scope of coworker exposure
- 3) If there is an exposure risk, identification of all close contacts with employees who were within 6 feet of the infected employee for a continuous period of 15 minutes or more from the period of up to forty-eight (48) hours prior to the onset of the employee's symptoms.
 - a) *If 14 days or more have passed since the employee had close contact with coworkers, potentially exposed employees who do not have symptoms should self-monitor for symptoms such as fever, cough, or shortness of breath.*
 - b) *Employees identified as close contacts during the exposure period will be provided testing information*
 - c) *Human Resources must clear the employee to return to work after receipt of the necessary testing results*
- 4) Identification of all shared workspaces if employee was on-site within the last seven (7) days
- 5) Coordination of cleaning and decontamination needs if employee was on-site less than seven (7) days prior to notification
- 6) Advisement to the employee and the department of leave guidelines and return to work parameters

E. Travel Policy

- a) City Business Travel: Only essential business travel outside of the state is allowed. Written approval from the Mayor's office is required for such travel.

- b) Personal Travel: If an employee plans to travel internationally, the employee must notify Human Resources immediately by calling OHS at 205-254-6471 or email OHS@birminghamal.gov. Upon the employee's return, the employee may be required to quarantine for up to 14 days.

APPROVED on this the 1st day of October, 2020.



Randall L. Woodfin, Mayor